

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHARNELL HORNE,

Plaintiff,

v.

THE CITY OF FIFE,

Defendant.

Case No. C06-5146FDB

ORDER DENYING LEAVE TO
PROCEED IFP AND DISMISSING
CAUSE OF ACTION

Plaintiff alleges civil rights violations stemming from an incident at a Denny's Restaurant in Fife, Washington on December 21, 1997, to which two officers from the Fife Police Department responded. The operative statute of limitations for a federal civil rights claim is governed by the state law limitations period for personal injury actions. *See Wilson v. Garcia*, 471 U.S. 261, 266-67 (1985); *Cloud v. Summers*, 98 Wn. App. 724 (1999). In Washington, the limitations period for personal injury claims is three years. RCW 4.16.080(2). Plaintiff's claim in this case is barred by the statute of limitations. Under the circumstances, Plaintiff's motion to proceed *in forma pauperis* must be denied.

NOW, THEREFORE, IT IS ORDERED: Plaintiff's Motion for Leave To Proceed *in forma pauperis* [Dkt. # 1] is DENIED, and this cause of action is DISMISSED.

DATED this 6th day of April, 2006.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE